

# House File 197 - Introduced

HOUSE FILE 197

BY PETTENGILL and

VANDER LINDEN

## A BILL FOR

1 An Act concerning the contract bidding process for public  
2 improvement projects conducted by the state board of  
3 regents.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 262.34, subsection 1, Code 2017, is  
2 amended to read as follows:

3 1. a. When the estimated cost of construction, repairs, or  
4 improvement of buildings or grounds under charge of the state  
5 board of regents exceeds one hundred thousand dollars, the  
6 board shall ~~advertise~~ do all of the following:

7 (1) Advertise for bids for the contemplated improvement or  
8 construction and shall let by publishing a notice to bidders.  
9 The notice to bidders shall be published at least once, not  
10 less than four days and not more than forty-five days before  
11 the date for filing bids, in a newspaper published at least  
12 once weekly and having general circulation in the geographic  
13 area of contemplated improvement or construction. The board  
14 may also publish a notice in a relevant contractor organization  
15 publication or relevant contractor plan room service with  
16 statewide circulation if a notice is posted on an internet site  
17 sponsored by the board.

18 (2) Have an engineer licensed under chapter 542B, a  
19 landscape architect licensed under chapter 544B, or an  
20 architect registered under chapter 544A prepare plans and  
21 specifications and calculate the estimated total cost of  
22 the contemplated improvement or construction. The board  
23 shall ensure that a sufficient number of printed copies of  
24 the project's contract documents, including but not limited  
25 to all drawings, plans, specifications, and estimated total  
26 costs of the proposed improvement or construction, are made  
27 available for distribution at no charge to prospective bidders,  
28 subcontractor bidders, suppliers, and contractor plan room  
29 services.

30 (3) Let the work to the lowest responsible bidder. However,  
31 if

32 b. If, in the judgment of the board, bids received are  
33 not acceptable, the board may reject all bids, after making a  
34 specific finding identifying the basis for the rejection of  
35 each bid received, and proceed with the construction, repair,

1 or improvement by a method as the board may determine. All  
2 plans and specifications for repairs or construction, together  
3 with bids on the plans or specifications, shall be filed by the  
4 board and be open for public inspection. All bids submitted  
5 under **this section** shall be accompanied by a deposit of money,  
6 a certified check, or a credit union certified share draft in  
7 an amount as the board may prescribe.

8 EXPLANATION

9 The inclusion of this explanation does not constitute agreement with  
10 the explanation's substance by the members of the general assembly.

11 This bill modifies the contract bidding process conducted  
12 by the state board of regents.

13 Currently, when the estimated cost of construction, repairs,  
14 or improvement of buildings or grounds under charge of the  
15 state board of regents exceeds \$100,000, the board of regents  
16 must advertise for bids for the contemplated work and shall  
17 let the work to the lowest responsible bidder. However, if  
18 in the judgment of the state board of regents bids received  
19 are not acceptable, the state board of regents may reject all  
20 bids and proceed with the work by a method as the state board  
21 of regents may determine. All plans and specifications for  
22 repairs or construction, together with bids on the plans or  
23 specifications, must be filed by the state board of regents  
24 and be open for public inspection. All bids submitted under  
25 this Code section must be accompanied by a deposit of money, a  
26 certified check, or a credit union certified share draft in an  
27 amount as the state board of regents may prescribe.

28 Under the bill, when the estimated cost of the work exceeds  
29 \$100,000, the state board of regents must advertise for bids  
30 by publishing notice at least once, not less than four and  
31 not more than 45 days before the date for filing bids, in a  
32 newspaper published at least weekly with a general circulation  
33 in the geographical area of the work. The state board of  
34 regents may also publish notice in a relevant contractor  
35 organization publication or relevant contractor plan room

1 service with statewide circulation, provided that a notice is  
2 posted on an internet site sponsored by the state board of  
3 regents.

4     The state board of regents must also have a licensed or  
5 registered engineer, landscape architect, or architect prepare  
6 plans and specifications and calculate the estimated total  
7 cost of the contemplated improvement or construction. The  
8 state board of regents must ensure that a sufficient number of  
9 printed copies of the project's contract documents are made  
10 available for distribution at no charge to prospective bidders,  
11 subcontractor bidders, suppliers, and contractor plan room  
12 services.

13     If the state board of regents determines that none of the  
14 bids are acceptable, the board, under the bill, must identify a  
15 specific reason for rejecting each bid received and may proceed  
16 with the work by a method as the board may determine, as the law  
17 currently prescribes.